

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08CV00326**

BV RETAIL, LLC,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
RAVING BRANDS, INC.)	
)	
Defendant.)	
_____)	

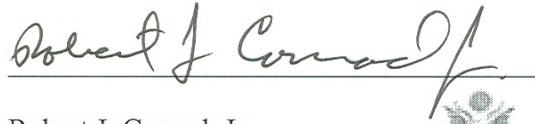
THIS MATTER is before the Court on Plaintiff’s Motion for Partial Summary Judgment. (Doc. No. 13). Specifically, Plaintiff moved the Court for an order (1) establishing liability on the underlying lease and warranty obligations of Defendant as set forth in the Complaint; (2) allowing judgment on the promissory note between the parties; and (3) awarding attorneys fees.

As to the lease and guaranty, the Court finds that there is no genuine issue of material fact on the issue of liability. This claim shall proceed to trial on the issues of damages as to this contractual obligation. As to the promissory note referenced in the Complaint, the Court finds that there is no genuine issue of material fact on the issue of liability.

The Court defers in ruling on the issue of attorneys fees at this time.

IT IS, THEREFORE, ORDERED THAT Plaintiff's Motion for Partial Summary
Judgment is **GRANTED IN PART** and **DENIED IN PART**.

Signed: February 10, 2009

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

